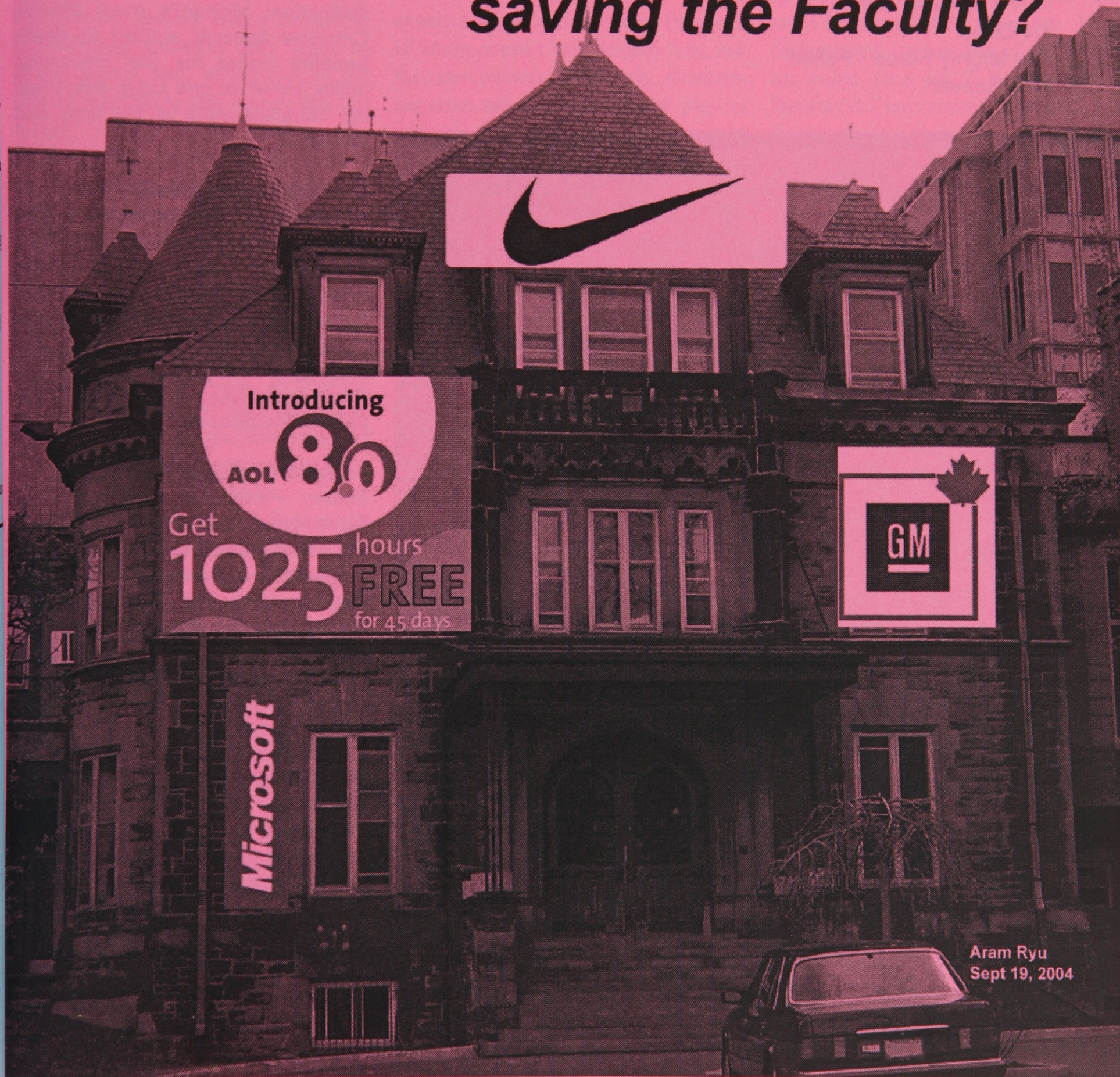


Quid Novi

McGill University, Faculty of Law
Volume 25, no. 4 - September 28, 2004

*One way of
saving the Faculty?*



Aram Ryu
Sept 19, 2004

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Quid Novi

3661 Peel Street
Montréal, Québec
H2A 1X1
(514) 398-4430

quid.law@mcgill.ca
<http://www.law.mcgill.ca/quid>

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

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Jason MacLean
Aram Ryu

Assistant Editors-in-Chief
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Week in Review ...

How judges are helping people commit insurance fraud

Going against the grain of recent court decisions, the federal appeals court in New York ruled in August that when a man, Michael, died of "autoerotic asphyxiation" (normally, strangling oneself almost to the point of passing out as a way of enhancing pleasure during masturbation), it was an "accident" rather than a self-inflicted injury. Because of this slight distinction, Michael's mom Shirley Critchlow became entitled to death benefits under his life insurance policy. However one judge didn't feel too compassionate at the time and dissented.

Overpriced sunglasses

According to a police report in the Brainerd (Minnesota) Dispatch, thieves had broken into the First Integrity Bank on Excelsior Road in Baxter, but then used a hammer on a common wall in order to break into the adjacent Lakes Area Eyecare store and make off with numerous pairs of sunglasses.

Delivering news at any cost

Betsey Patrick, a carrier for the Patriot-News of Harrisburg, delighted six stranded subscribers along the rain-swollen Conodoguinet Creek on Sunday when she and her father floated down in the raft. But police and a state Fish and Boat Commission officer weren't amused, and cited her father, Rick Patrick, for negligent operation of a watercraft. Betsey Patrick said she was arrested for disorderly conduct after arguing about the \$220 US citation and handcuffed in front of her two-year-old daughter. The Patriot-News's circulation director, said that because carriers are independent contractors and not employees, the company would not help her fight the charge.

Aram

Editor's Page: Protests, NHL and bilingualism

by Aram Ryu, Co-Editor-in-Chief (Law III)

My spiritual ancestors objected to the immoral and "unchristian" qualities of the Catholic Church and my historical ancestors rebelled against the Japanese oppression and occupation. Maybe protesting is in my blood. But protests are necessary because they advance the society. Being content at the existing situation only leads to social inertia and, ultimately, to the end of everything that makes this life worth living. Just because the majority (or more) do not have problems with something, such as course registration, does not mean the underlying problems can be ignored.

Law schools, just like everything else in this life, are subject to market constraints whether we like it or not. Fundamentally speaking, everything has a market value. When a force tries to influence the integral mechanics of our economy, problems appear. The perfect example is the NHL.

NHL is a business and it is in the best interest of everyone involved to make money. Even players realize that their participation and presence at a team increases the team's brand and marketability. This situation of co-existence between the players and owners can be regulated internally through contracts (more business for lawyers!). However, the existence of unions has disturbed the hockey "ecosystem", leading to the lockout.

Unions have benefited many workers over the past few centuries. They prohibited many businessmen from exploiting the workers, and they did indeed provide considerable monetary and social benefits to the working class. However, the unions

became power hungry and the so-called "unions" of nowadays are creating frictions in order to assert themselves.

Do we really need NHL players' union? Do we really need to protect their right to earn money at the expense of the middle class? Presence of union doesn't help hockey fans, nor the team owners. Ultimately, it creates negative environment for the players and this will damage the business of hockey. Players do not have a fundamental right to multi-million dollar salary. It is great to see they are protesting what they perceive as "unjust" salary caps, but the union's distortion of truth and unwillingness to adapt to the changing times are hurting everyone. The importance of hockey cannot be denied, especially in Canada. However, NHL is not about hockey and the players' union is certainly not in the game to promote and protect hockey. It is time for the fans to protest against the monopolistic union, to save the game they love so much.

Bien sûr nous ne pouvons pas éliminer toutes les associations qui ont pour but aider un certain groupe de personnes. Les syndicaux et les organismes gouvernementaux sont nécessaires à promouvoir la protection des individus et même la protection d'une langue. Nous vivons tous dans un pays bilingue et les 2 langues officielles sont protégées par la constitution. Mais la langue officielle du Québec est seulement français. Un niveau plus bas, l'université McGill est une institution anglaise, mais la faculté de droit a une politique de bilinguisme passif. Dans

cette situation précoce, les demandes des francophones de la faculté sont souvent ignorées souvent pour des raisons financières.

The faculty of law is an unique environment where both official languages can co-exist. However, that does not necessarily mean that there must be a perfect bilingualism. Il est certainement impossible d'offrir tous les cours dans les 2 langues car la faculté (et l'université) ne possède pas de ressources nécessaires. La situation n'est pas idéale, but with vocal protests from the francophones and defenders of bilingualism, will some day, lead to a better faculty.

Here's a quote from a movie that I found quite appropriate for my comments:

"That's what being a Protestant's all about. That's why it's the church for anyone who respects the individual and the individual's right to decide for him or herself. When Martin Luther nailed his protest up to the church door in fifteen-seventeen, he may not have realised the full significance of what he was doing, but four hundred years later, thanks to him, my dear, I can wear whatever I want on my John Thomas. And, Protestantism doesn't stop at the simple condom. Oh, no. I can wear French Ticklers if I want." (The Meaning of Life, 1983)

Comments on the Quid?

Send them to Aram and
Jason at

quid.law@mcgill.ca

Letters to the editor

Dear Jason,

Belated as they may be, let me express my congratulations on your accession to the position of Chief. Or at least co-Chief. The position befits your Quid prolificacy and dedication (unmatched except perhaps by a certain ubiquitous alumnus). But perhaps it would become your newness to this position to show a little more modesty: some might consider claiming page three all for yourself when the Dean and Associate Deans have written to address the students a little uppity. If you know what I mean.

I am writing mainly to express my concern, as it seems to me that the Quid has been a fair bit thinner so far this year than it was last year. I am hoping that this is just an illusion on my part, for I'm not sure what it will do to my digestion if, while eating my lunch, I run out of Quid and have to turn to the disingenuously covered *The New Lawyer*, thinking it was some other, more famous, magazine.

Also, it is good to see that you seem to have made your peace with the red book. Don't think I didn't notice the two (well-referenced) citations in your sabermetrics article this week (Jason MacLean, "Editor's Page: Of Baseball, Law, and Registration", *The Quid* Sep 21 2004). [Sorry, but I couldn't find how to cite Quid editorials in the red book.] Perhaps you should write an advice column on coping for the first years. Yes, tell them that it doesn't blow all that much. I'm sure they would appreciate that.

An avid reader,
Michael Wong

P.S. I was rather disappointed, though not surprised, after reading the headline

"Tales From the (Se)X-Files", to discover that that it was not a Faculty gossip column (as was my hope), but a collection of stories about anonymous people living several time zones away. As with so many other things about law school, I suppose I'll have to resign myself to the idea that I won't ever hear a story from a law student (even an anonymous one collecting internet stories for the Quid) WITH THE NAMES OF REAL PEOPLE IN IT. But I do think the gossip column is a good idea.

P.P.S. I'm not sure if you (or anyone else) should trust this "Phil Alma" character. Do you think it's reasonable that he claims to be the LSA web designer AND some expert in Japanese law AND the McGill Pro Bono Students Canada guy AND the Human Rights Working Group Guy AND actually registered in law school courses? It sounds a little sketchy to me. Really, who is this guy? Personally, if I were that kind of a hero, law school might not be at the top of the to-do list. So don't say I didn't warn you when you next look at your birth certificate and you see "Phil Alma" where your father's name used to be. ■

The Editor answered:

Uppity? Not at all. When the Prime Minister writes a letter to the *Globe and Mail*, they don't publish it on page 3 either. In all seriousness, though, the placement of an editorial on page 3 is a new design feature of the Quid this year intended to introduce a little bit more consistency to the paper's look. And, for what it is worth, the order of articles in the Quid is not (and never has been) about hierarchy. Rather, it is strictly a layout matter.

Dear Jason,

I have to start off with a confession: I very often don't like your articles in the Quid. Sometimes, I'll even skim over them rapidly.

However, the article you wrote this week moved me to do something I've never done before: write an e-mail in response to a Quid article. I feel like I must congratulate you, not only for writing an article that talks about baseball, but one that also compares sabermetrics to law! Wow! These parallels actually make sense (though you did kinda lose me when you compared it to registration). How did you come up with this? Also, it's great to see that I'm not the only sabermetrics fan, heck, the only baseball fan, at McGill Law.

Gosh, that was quite a geeky letter, wasn't it?

Philippe Dufort-Langlois

P.S. How is OPS "inelegant-sounding"? I've always pronounced it "oh-pee-ess", which sounds fine. ■

The Editor answered:

Thanks! (I think.)

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quidlaw.blogspot.com

"Faculté bilingue?"

Marc-Andre Seguin et Michael Simkin (Law II)

Les annonces de la Faculté, les communications du LSA et les annonces publiques

Les communications de la Faculté sont quasi-totalement faites dans une seule langue : l'anglais. Dans une Faculté qui se dit bilingue, et qui prétend faire des efforts pour que chaque élève, francophone ou anglophone, puisse communiquer dans la langue de son choix, il ne serait que minime que les communications dites officielles de notre milieu d'étude se fassent dans le respect des deux langues. Le personnel de la Faculté est plus que compétent pour faire la traduction des communications, et prétendre qu'il n'y a pas de temps pour traduire les textes ou que ce serait trop compliqué ne ferait que souligner que cette politique de bilinguisme passif et du respect de l'usage des deux langues n'est qu'une malheureuse technique de polissage d'image publique.

L'exemple du texte de notre doyen dans le numéro précédent du Quid agit comme exemple tant actuel que flagrant. Au total, dans un texte d'une page, nous n'avons pu compter que six mots écrits en français. Ceux-ci étaient les mots de salutation, qui n'avaient que peu d'importance dans le contenu du message, comme si leur présence n'était justifiée que par un sentiment de mettre QUELQUE CHOSE en français pour ensuite prétendre avoir écrit un message dans les deux langues officielles. Ceci, en notre opinion, reflète le piètre état de l'estime qu'a le personnel de la Faculté

pour la langue française. Cet exemple nous montre bien aussi la superficialité de notre politique.

Ce laxisme ne se limite pas aux institutions administratives de la Faculté, il se reflète aussi dans les organes du milieu étudiant, comme le LSA. Les communications y sont rarement entièrement traduites, voire même parfois unilingues. Pourtant, un pourcentage non-négligeable des étudiants de cette Faculté ont comme langue maternelle le français. Aussi, d'autres étudiants anglophones ou allophones avouent qu'ils sont entre autres venus à McGill dans l'espoir d'améliorer leurs talents dans les deux langues officielles. Ces gens n'ont-ils pas le droit de se sentir représentés dans leur propre association étudiante? Ne méritent-ils pas de pouvoir lire les communications de leurs représentants dans la langue de leur choix?

Les annonces publiques, beaucoup moins formelles que les deux exemples précédents, nous montrent aussi l'état questionnable de la langue française dans les milieux étudiants comme tels. Nous croyons que l'annonce unilingue anglaise reflète un certain degré de paresse de la part de nos collègues. Le choix d'étudier dans une institution bilingue doit aussi se refléter dans les actes concrets des étudiants au jour le jour. Ces actes pourraient entre autres, et ce lorsque possible, inclure l'effort minime de prendre quelques minutes de plus pour traduire un message d'intérêt public sur les babillards (notice boards), ou publier des affiches bilingues, ou faire des

interventions dans les cours dans l'une ou l'autre des langues plus souvent. L'effort étudiant est vital à la réussite d'une Faculté bilingue.

Le cours de méthodologie

Ceci est un autre exemple tant flagrant que malheureux de l'application de notre politique de bilinguisme. Les cours de méthodologie, à l'exception des groupes de tutorat pour les étudiants de première année, sont dominés par la présence d'une seule langue. Les sessions de présentation/explications pour les travaux longs sont majoritairement - voire même presque exclusivement, données en anglais. Pourtant, les professeurs de la Faculté et les tuteurs du cours ont tous suffisamment de connaissances en français pour accorder de la place aux deux langues dans leurs présentations. Il ne manque que l'effort.

Un exemple concret serait le memo que les étudiants de première année ont eu à faire l'an dernier. Si un étudiant fait le choix d'écrire un texte en français, il mérite de recevoir les commentaires du professeur dans la même langue (et pas seulement ceux des tuteurs). En effet, les travaux écrits en français recevaient leurs commentaires en anglais et ce malgré le bilinguisme fort apparent des personnes chargées de les corriger. À notre avis, il ne relève pas d'une extravagance de recevoir, dans une Faculté qui se dit bilingue, ses corrections dans la langue de notre choix. Malheureusement, le personnel de la Faculté ne semble pas croire en ce principe simple. ■

Submit to the Quid!
quid.law@mcgill.ca

Articles must be submitted by 5 pm on Thursday

Wither [sic] ye olde gripe-friendly Quid?

by Greg Sheahan (Law III)

I'm here to gripe. I'm not even here to gripe constructively. I'm just griping for griping's sake. Viva Quid.

This piece is a response to Jason MacLean's "Editor's Page" from last week. Jason (and I presume to call him by his first name because (a) I know him and (b) I'd have a hard time typing "Mr. MacLean" without appending "... Mr. Officer John McClane of the New York Police Department") argued (I think) that the griping in previous Quids about the suckiness of this semester's registration process was unconstructive, and that we would do better to investigate the procedural intra-Faculty communication problems before railing about substantive problems in these hallowed (snerk) pages.

In the interest of full disclosure, I ought to tell you a few things before I get going:

1. I had no problems registering for classes.
2. I am an unabashed and partisan proponent of griping.
3. I am far too lazy to have thoroughly kicked the tires of my own argument here, so it's entirely possible that it will hold together no better than Prof. Sklar's copy of Stuart & Delisle (Ah, the whimsy of law school inside jokes. Will they ever get old???)
4. My laziness is coupled with powerful snarky tendencies, so I often substitute spork-sharp wit for academic rigor. What I'm trying to say is that I'm kind of a dick, so you should feel free to roll your eyes at my audacity, especially since my argument probably sucks.
5. I did not, before writing this, review the earlier "gripe" articles to which Jason's piece refers, as my Quid library only goes back about three to seven days.
6. There's a high probability that Jason's argument went clear over my head, and that my piece is responding to arguments that I have merely hallucinated.

Bitching is good for the soul

Jason's piece seems to suggest that the griping in the Quid about the registration process was so much misdirected energy, failing to extract us from "the fuzzy in-between [in which] we most often if not always find ourselves" after publicly identifying a problem. Of course, the gripers (and I use the term affectionately) may not have intended that their articles correct the registration wrongs. Bitching can be an end in itself, if for no other reason than that it feels great. Case in point: A non-scientific study I conducted first year found that 92% of the people in my Torts class bitched endlessly about how diabolical the exam was, even though there was little hope at that point of doing anything about it. And yet, they bitched. And it was good. Bitching heals.

Alternatively, I would contend that, even as a means to an end, Quid-bitching is often constructive. This is our soapbox, man! Sure, it's an often-goofy soapbox, but once in a while the Quid really does help to get people talking, to raise the profile of certain issues within the Faculty. Needless to say, many of the issues complained about are not so easily resolved as they are bitched about, but getting people talking (and even, perhaps especially, getting people pissed) is a step in the right direction.

Ironically, in the same week that Jason's piece appeared, a "Letter from the Dean" to the student body appeared detailing some of the reasons for the registration fiasco, and acknowledging that the administration is taking the issues seriously, and welcome input from the student body. This does not, of course, mean that the problems are on the fast-track to resolution, but it demonstrates that there is some dialogue occurring, some of it in the pages of the Quid. So, as if bitching wasn't enough of its own reward, sometimes it even yields positive results.

Don't condescend me, man!

I also found it kind of nutty that Jason sought to address the ineffectuality of Quid-griping by writing a piece about it in the Quid. Irony can be very ironic sometimes. I take particular note of his statement that the earlier gripes were accompanied by a "predictable evacuation of manners, esprit de corps, reasoned argument, and sane perspective." Whether intended or not, the implication here is that Jason himself is, by virtue of shining a light on these evils, is free of their taint. I would argue that there is a none-too-faint ring of condescension in a piece that identifies the failings of its author's peers while the author himself does linguistic calisthenics to provide an air of "reasoned argument" and "sane perspective" to his own writing. Now I don't necessarily have anything against linguistic calisthenics, but I just gotta call bullshit here. To broadly suggest, in fancy talk, that one's peers have abandoned good manners, reason and sanity is rude, unreasonable and crazy.

I take further issue with Jason's dismissal of the registration problems as a cross that only a small minority of students had to bear. Now I don't know what the threshold percentage of students is that would qualify a matter for griping in Jason's eyes, but... Dude! Secession Reference! Protection of minorities! First they came for the under-registered, but I said nothing, because I was not one...

Picking nits

While I'm in a bitchy mood (I love it!), I have a few other problems with Jason's piece, extracts of which follow.

I know it's generally bad form to nitpick, but once you're using "anathema" and "panacea" in back-to-back sentences, you're inviting a certain amount of scrutiny, aren't you?

"...with the crushing predictability of the Florida hurricane season..."

While the season itself does indeed arrive predictably, the hurricanes do not generally follow with any predictable regularity, even if you're just talking about total hurricane volume. If you just meant that the season is predictable, independent of the actual hurricanes that accompany it, then you can ignore this criticism.

"...we know a strike when we see one, but good luck trying to define it in words..."

I would actually claim that the opposite is true. A strike is a pitch a part of which passes directly above home plate and which passes the batter at a height between his knees and nipples, subject to the discretion of the home plate umpire. It is because of this very discretion that I don't know a strike when I see one... until Rich Garcia mis-calls it.

"...like a herd of Buffalo..."

I trust this is an error of capitalization, and that you meant "buffalo", for even if you meant "a herd [of buffalo] of

Buffalo", you'd be talking about a fictitious herd, since the name of the city of Buffalo is actually derived from the French term "beau fleuve", beautiful river, than from the mighty buffalo, which never thundered across those particular plains. Unless they did... I'm not sure, but I'm pretty sure the "beau fleuve" thing is true.

Okay, I've run out of steam, and there's a sponsored coffee-house going on. Told you I was lazy. ■

Where Did All the Girls Go?

by Kara Morris (Law I)

An exploration of the disconnect between student population and representation in election candidates

As I write this in the space between an election and its results, I would like to take the opportunity to address the question of (lack of) constituency representation in this election. As you may have noticed in last week's Quid, there were seven candidates for Faculty Council, including two female candidates. Five people ran for first-year Class President, only one female. In a faculty that is at least 50% women, why do we have only 29% female candidates for Faculty Council and 20% female candidates for Class President? (As an aside, I would be interested in hearing a discussion of why more upper-year students did not decide to run for Faculty Council; the most generous estimate I can give is that upper year candidates comprised 29% of nominations, whereas upper years must form at least 55% of the faculty.)

Each candidate volunteered to run for a position. What circumstances led to more men than women deciding to run? Why does asking for volunteers not provide a balanced group of candidates from which to elect representatives?

Many factors affect these kinds of decisions: whether a person wants to be in the limelight or prefers to work behind the

scenes; fear of failure, the standard emotion that prevents so many of us from acting; or even, as suggested by Carol Gilligan's book *In A Different Voice*, first printed in 1982, the possibility that some people (especially women) may fear success because their success represents someone else's loss or failure to obtain a benefit. In my experience women privilege cooperation over competition: it provides the most benefit for the greatest number of people. Most of these factors would not represent a conscious decision; they would influence the emotional reaction that goes along with making a decision.

Something that was said at the Women's Caucus meeting on Wednesday made me think. The Women's Caucus works without a hierarchical structure of officer positions - this practice allows for a more democratic organization. The Women's Caucus is the perfect place to subvert traditional hierarchies. However, when other institutions in society continue to rely on a hierarchical structure, absenting yourself from that structure tends to give you less, not more, power. It was not conscious resistance against the hierarchical ordering of the past that kept women out of public life; once upon a time it was considered the "privilege" of women not to have to concern themselves with matters of politics and public life (constitutional law, anyone?!).

So, are these problems systemic or

specific? Does the lack of female candidates within the law school community mirror a larger issue within society as a whole? Currently on the Canadian political scene we have no female first ministers, provincially or federally, yet the Canadian population at large contains an approximately equal gender distribution. I do not think this problem is unique to McGill Law, but the more people are aware of it, the more likely the situation is to change.

As usual I have tended to provide more questions than answers. Think about what kept you (male, female or resistant to categorization) from deciding to run for office this fall. Did you feel represented in the candidates you had to choose from?

In the end we will see whether an imbalance of candidates can still result in a balanced (constituency-wise) selection of elected representatives. If so, will we question whether a certain candidate was elected on merit, or because of their constituency representation (male, female, anglophone, francophone, first-year, upper-year, etc.)? This is the trade-off we make every day.

Anyone interested in joining the Women's Caucus should contact Natasha Himer at natashahimer@yahoo.ca to get onto the mailing list. Our first meeting was held on Wednesday, 22 September. For more information come out to our coffeehouse, Thurs. Sept. 30 from 4:30 - 8:30pm. ■

Law School: A Mature Girl's Perspective

by Mariam S. Pal (Law III)

Not too long after I started law school I met an old friend at a party. We had done undergrad together and then he had gone to law school. He's been practising law for years now. I told him what I was doing and the first thing he said was "my condolences." The next thing he said was that he had always thought law school was like high school. I asked him to elaborate and he said, well, everybody is in one building, you have lockers, a student newspaper, and Coffeehouse is sort of like a weekly after school dance. The worst, he said, were the cliques of cool people, some of whom, he noted, never ever spoke to anybody from outside of their group. I have to say he made some valid points.

I came back to law school after working for nearly twenty years. Law school is very different from undergrad and thankfully very different and much more challenging than doing my graduate degree was. In a way too, it does seem like high school to me some days. Being old enough to be many people's mother and older than some of my professors has certainly been an interesting experience. Law school lingo refers to someone like me as a "mature student." Well, I have to say I certainly do feel mature now. But there's another term I like better. To explain it, I have to give you a little background. A few years ago a friend and I took figure skating lessons in Manila (that's in the Philippines where I used to live). Now it's bizarre enough learning to figure skate in a tropical country just north of the equator, but add to this the fact that some of the other students were as young as five years old! Our very nice instructor didn't quite know what to call us and one day, when encouraging us to enter a figure skating competition, he said that even "mature girls" like us stood a chance. My friend and I couldn't stop laughing as we left the arena and we still refer to ourselves as mature girls.

So what's it like for a mature girl in law school? I have to say it's been interesting. I felt extremely uncomfortable at first. Like everybody else in first year I had no prior knowledge of the law and didn't quite know what to expect. It was the first time I had attended regular classes in a very long time. I also felt old and out of place, and that everybody was looking at me. I seemed like the only woman around who wasn't wearing hip hugging pants and declaring everything to be "awesome." I don't own a backpack. I had never seen those nifty water bottles that everybody carries. But little by little, I got to know people and by the end of first year I felt perfectly comfortable and certainly as stressed as everybody else by the prospect of writing six 100% final exams. Misery loves company.

There are certainly some perks to being a mature girl at law school. Funnily enough, lots of people seem to think I'm a professor or that I work at the faculty. I have been often addressed as "Professor" and asked for directions, had doors opened for me or been ushered off the elevator. I accept this deference without any guilt whatsoever since this seems to happen more often in the first few weeks of the fall term when all the new first year students are around. They're not used to seeing me in my regular place downstairs, where I can often be found eating my lunch and reading the Globe and Mail. In April I'll hopefully be finished all my courses and moving on with the next phase of my life. I will leave McGill having learned a lot. Coming back to school has been challenging, but I will never regret studying law no matter what I end up doing. It has also been rewarding for me to be exposed to a generation of wonderful and intelligent people I might never have ended up knowing if I hadn't come back to school. I could never say that about the high school I attended. ■

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On Bitching

by Barbara Mysko (Law III)

In my neighbourhood, prostitutes, drug dealers, and the homeless make deals, beg for cash and squat under grocery store awnings to sleep at night. Across the street from my apartment, heroin junkies discard their needles in the daycare playground where children play every day. This summer, I worked with women who endure mental, physical, and sexual abuse, and who resort to inflicting abuse on their own children or submitting themselves to similar forms of mental torture. Not surprisingly, when September arrived and I began my third year of law school I again reacted with wonder at the extent of dissatisfaction often expressed by my law peers.

To start off, I'm well aware that law students are not immune to the mental and emotional stresses that others in our society are prone to. We all have stories of loss, betrayal and failure. But at least one thing is certain from the perspective of all law students. We have managed to get this far. And we have the opportunity every day to interact with alert, vivacious individuals and to reap the benefits of our education. And yet somehow, that isn't enough. Day after day, week after week, many of the law students at McGill convey a cynical, negative outlook towards their peers, their professors, their classes, politics, and the world. Nothing is good enough, bright enough, or lovely

enough to escape the critical eye of the law student. Nothing is sacred.

Owing to a surplus of spare time, I have been very preoccupied with the law student psyche lately. I'm personally interested because, on the one hand, I'm caught in the same pattern. I find myself adopting the same behaviours - I see myself impersonating the Grinch and I feel helpless to change my ways. But I also wonder if cynicism is a criterion for success in a legal career. Or if there is some small chance of an alternative way of doing things.

In the course of my inquiry, I've dug up a few possible explanations. I'll spare the reader too much grief and present only one here. Simply put, law school encourages and cultivates one's critical side to the detriment of one's compassion, empathy, and general social skills. We become automaton debaters, oblivious to our audience (i.e. friends and/or clients), and completely stuck in the vacuum of our own heads. Although Socratic tactics are decreasingly employed in the modern-day law classroom, skills in argumentation remain paramount.

As Professor Glenn declared in JICP last week, the common law legal system is basically "accusatorial." In the adversarial system there is no real

obligation to get to the truth of the matter. Common law students, so invested in their own argument, lose sight of why they began arguing in the first place. The argument is a game - which is fine for a while, but while playing the game, many of us blur the distinction between debating and serving justice. And in daily life, many of us forget the difference between criticizing for the sake of criticizing and criticizing in a constructive way.

To sum up, I won't claim that my observations have a strong empirical basis or that one strand of my explanation translates into seamless logic. There are gaps in the argument: what does this simple explanation suggest for the civil law education and the consequent behaviour of civil law students? Is there really any material connection between one's argumentative patterns and these displays of negativity? My guess is that there is a loose connection but that the full answer would paint a bigger and more interesting picture. But I'm not married to my conclusions. My only objective is to encourage attitudes of gratitude and to enjoy more positive, life-affirming dialogue under Chancellor Day's roof. In this respect, the last thing I want is to have the last word. ■

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Movie Review: "Shaun of the Dead"

by Aram Ryu, Co-Editor-in-Chief (Law III)

The movie "Shaun of the Dead" is the best "zom rom com" to be released to date. It is simply the best because no one has ever thought about this genre, but I'm glad someone did. This movie fills a void that I didn't know existed. "Shaun of the Dead" is a movie with zombies: the title is a reference to the genre-defining movie "Dawn of the Dead" by George Romero (1978) and this movie is very consistent with the zombie mythology that he created (even more so than the remake "Dawn of the Dead" released earlier this year). Zombies walk around, slowly and lifelessly, almost like law students right after a Common Law Property exam, and they feed on normal humans until they "conform" to their way of life. Oh, and the only way to kill them is to destroy the brain. I've always thought the zombie movies do not have convincing explanation on how regular people turn into zombies, and this movie will not give you the definite answer. In fact, it doesn't even pretend to know what causes zombies: it toys with the viewers and just when we are close to finding out why this reanimation of the dead happens, such as in a newscast, it immediately shifts into something else.

The story's titular character is Shaun, a twentysomething in London, stuck with a boring and dead-end job, and sharing a flat with two roommates. One of them is Ed, his best friend for many years who is clearly an underachiever, someone we certainly won't find in our Faculty. He doesn't work, doesn't want a career, all he does is play videogames and drink beer. The other roommate is the opposite: very career-minded, neat, possessive, self-conscious and rude, a typical portrait of a professional in our society. Unlike other zombie movies released lately, the movie doesn't begin with a horde of zombies or animals that start the whole "zombification": it starts with Shaun and

his girlfriend trying to make their relationship work and the movie focuses solely on character development. It makes the viewers care about the characters so when their death comes near the end, it is more poignant than the death of an anonymous or clichéd character. The rest of the movie deals with Shaun's attempt to get back together with his girlfriend even when all hell breaks loose around him. For him, it's just like another day: only with more obstacles to overcome that slowly make him a leader of his friends, and ultimately a better boyfriend and human being. This movie works as a romantic comedy (the second part of the genre) because it does not overly sugar-coat the romance. There's no character such as "Hugh-Grant-I-want-to-go-hang-myself-rather-than-see-him-again" that ruins all romantic comedies: Shaun is a down-to-Earth commoner making mistakes after another that we can all identify to. After all, none of us are perfect especially when it comes to something as undefined and unreasonable as love.

Shaun's triumph over zombies is juxtaposed against his troubles in his life. One particularly emotional scene involves his step-father's admission that, even though he didn't show it before, he actually loved him as a son and Shaun's realization that, after all the animosity, he was the father that he always wanted, yet he had never given him a chance to be one. After this tender moment, full of tears shed and, his step-father turns into a zombie and tries to eat his brain... The writing is a brilliant mix of comedy that never resorts to gross-out as most American movies do, action and emotional scenes. The sum of all these parts transcends into something more than an odd collection of incoherent scenes: they all have individual and unique purpose in the movie by appealing to our diverse inner desires. You just can't help but tap your fingers along as the characters

start beating up a zombie to the beats

Don't get me wrong: this movie can be gory, perhaps as gory as "28 Days later" or the most recent release "Resident Evil: Apocalypse". However, "Shaun of the Dead" infuses comedy and common sense into the scenes that no other zombie movie has done before. For example, without giving away too many delights you will have to discover for yourself, Shaun and Ed defend against two zombies using LP records. They discover that they need to cut their heads, so they believe LP records are good "Frisbee-type" weapon that James Bond series has popularized... even in this stressful environment, between life and death, they stop and chat about which records should be used as a weapon and which records should be saved for the future. Needless to say, the "Batman" album is better used as a weapon. Maybe they should have just played that record: then who knows, zombies would have just run away from the horrendous sound. This scene shows the inconsistency of the zombie genre (why don't they just run away?) and yet, has time to bring some humour into the picture. Also, pay close attention to the television set near the end for some politically incorrect zombie rehabilitation uses.

"Shaun of the Dead" is not a full-fledged parody: it is an intelligent homage to the zombie movies and their fans. Perhaps this is a renaissance of the intelligent zombie genre as the production on the fourth zombie movie "Land of the Dead" by Romero start production soon. If you are seeing only one romantic comedy or one zombie movie this year, go see "Shaun of the Dead". After this movie, you wouldn't want to see another boring and unimaginative zombie movie that was surely created by brainless people that zombies themselves wouldn't want to feast on. ■

The Mighty Force - Felled by a Beaver!

by Kirsten Mercer (Law II)

Well, Force Majeure - the faculty 'C' ice hockey team - is back this year and it seems that the coach gave the boys a little too much summer vacation! In spite of a strong opening period, the overwhelming power of their opponent, coupled with the (frankly, SAD) physical state of the Force saw our faculty team crumble at the hand (paw?!) of their first C-league rival, The Beavers.

Team captain Bram Abramson (#5) now leads the team in scoring, having knocked in the team's only goal with a sharp shot from the point at the halfway mark of the first period. That would be it for the game. In spite of a last-minute roster change and strong

performance in net from Anthony Lemke, the Force allowed three goals, losing the game 3-1.

It is fair to say that we are all (perhaps none more than Anthony!) looking forward to the return of the Force's #1 goaltender, J-Mac, who was a (ahem!) "healthy scratch" from Tuesday night's line-up.

Redemption will be sweet ... Force Majeure takes on Alpha Delta Phi on Friday night (October 1st) at 11:30 pm. I think they might be a sorority team or something, so the Force will need all the help they can get! Come on out and join us for the real Hockey Night in Canada!

Though the Force was a little disappointed

with their result, their spirits were buoyed by the strong presence of the faculty fans, cheering and encouraging the team! As one optimistic fan put it after the game, "after all, the Beaver is the LARGEST rodent ..."

All in all, it was not a bad start. Sure, the team tired a little (!) in the second period, but I know I don't need to remind you loyal Force fans that last year's team lost their first game too, and they went on to play the rest of the season virtually undefeated! Now I'm not making any promises - I'm just saying that, in spite of the move up a division, the McGill Law Faculty will be a Force to be reckoned with on the ice again this year! ■

Laurels for Deans

Philippe Abergel, -No, not Philippe Alma- (Law II)

All too recently, many of us were scurrying about, bewildered and utterly irritated with insufficient course offerings and wholly unrealistic enrolment caps. Indeed, the hallowed halls of McGill Law echoed with the hushed (and not so hushed) mutterings of bitter students: "#!@*#!!!!! I can't get into blah-blah because blah-blah-blah and I desperately..." You heard it too, did you?

So, while I might otherwise be glad to discuss the above, shall we say, "predicament", I think it only fair to recognize how well the administration handled our grievances. From my limited personal experience, university administrations are rarely as responsive as our own.

Getting right to it, I simply wanted to give credit where credit is due. One week ago, many of us were varyingly peeved or livid; some wrote emails while others directed their energies towards the LSA and/or The Powers That Be. Time passed, and a few days later we had good reason to rejoice with beer and breakfast cereals when course caps were raised and the Faculty demonstrated its willingness to tread onto innovative soil by approving 'Radical Lawyering'. Given the circumstances, and the Faculty's financial restraints (of which most of us - including myself - are blissfully ignorant), these were swift and decisive steps to address our complaints.

Congratulations and thank you to Deans Kasirer, Walsh, and Bélanger for setting things straight. All is now well (the mutterings of Coffeehouses and Foundations having returned to the atrium). ■

Wanna Save Some Dough?

Fellow colleagues and friends, if you want to save some money on your tuition, here's how to do it.

You can opt out of the McGill Undergraduate Student Fund (MUSF). That'll save you \$19, although you'll be depriving needy students of bursaries, the libraries of money and clubs of cash to run their activities. But don't feel guilty. To opt out, go to the Brown Building (the one Professor Jukier helped build, apparently she prided herself in wearing those yellow hard hats) in room 1203 between September 20th and October 1st from 10am to 4pm.

You can also opt out of the Quebec Public Interest Research Group (QPIRG). In this case your private interest will rob us of public interest research. In order to save \$3 and deprive our society of the study of collective action, go to 3647 University Street every weekday in October and February from 11am to 5 pm.

This is the big one. If you're already covered by another Health and Dental insurance plan, you can save 144.60/year for Health and Dental and 76.92/year for only the Dental portion. You need to provide proof of equivalent health and dental coverage. Go to 1134 Ste. Catherine Street, Suite 700. From September 22nd to October 6th. Students who participated in the ASEQ opt-out process last year can opt out of the coverage online at www.aseq.com.

You can also view this information on our NEW LSA WEBSITE:

Visit us at: www.law.mcgill.ca/lsa

Stay Classy McGill Law.

Andres Jonathan Drew: V.P External LSA.

La Revue de droit de McGill voudrait féliciter
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Mailing Address: 3644, rue Peel
Montréal (Québec)
H3A 1W9

Office Address: 3661, rue Peel
(Basement)

E-mail: journal.law@mcgill.ca

Web Site: www.journal.law.mcgill.ca